

## REMARKS

### I. Status of the Claims

Claims 1, 47-49, 150, and 154-156 are currently pending. Claims 2-47, 50-149, 151-153, and 157-188 have been canceled herein without prejudice or disclaimer. Claims 1 and 150 have been amended herein. Support for the amendments to claims 1 and 150 can be found in the specification as originally filed. For the Examiner's convenience, Applicants point out in the following Table 1, the specific written description support in the specification for the elements of claims 1 and 150, as amended.

**Table 1.**

<u>Element</u>	<u>Support in Specification</u>
A structured cosmetic composition comprising:	See page 3, line 15
which is wax-free and non-migrating comprising	See page 26, line 22 to page 27, line 1.
at least one liquid continuous fatty phase,	See page 1, lines 20-23.
structured with a sufficient amount of at least one polymer of formula (I) and mixtures thereof:  $R^1-O-\left[ \begin{array}{c} \text{C} \\ \parallel \\ \text{O} \end{array} -R^2-\text{C} \begin{array}{c} \parallel \\ \text{O} \end{array} -\text{N} \begin{array}{c} \text{R}^4 \\   \end{array} -\text{R}^3-\text{N} \begin{array}{c} \text{R}^4 \\   \end{array} -\text{C} \begin{array}{c} \parallel \\ \text{O} \end{array} -R^2-\text{C} \begin{array}{c} \parallel \\ \text{O} \end{array} -\text{O}-R^1 \right]_n$ in which: - n is an integer which represents the number of amide units such that the number of ester groups present in said at least one structuring polymer ranges from 10% to 50% of the total number of all said ester groups and all said amide groups comprised in said at least one structuring polymer; - R <sup>1</sup> , which are identical or different, are	See page 11, line 2 to page 12, line 8.

<p>each chosen from alkyl groups comprising at least 4 carbon atoms and alkenyl groups comprising at least 4 carbon atoms;</p> <p>- <math>R^2</math>, which are identical or different, are each chosen from <math>C_4</math> to <math>C_{42}</math> hydrocarbon-based groups with the proviso that at least 50% of <math>R^2</math> are chosen from <math>C_{30}</math> to <math>C_{42}</math> hydrocarbon-based groups;</p> <p>- <math>R^3</math>, which are identical or different, are each chosen from organic groups comprising atoms chosen from carbon atoms, hydrogen atoms, oxygen atoms and nitrogen atoms with the proviso that <math>R^3</math> comprises at least 2 carbon atoms; and</p> <p>- <math>R^4</math>, which are identical or different, are each chosen from hydrogen atoms, <math>C_1</math> to <math>C_{10}</math> alkyl groups and a direct bond to group chosen from <math>R^3</math> and another <math>R^4</math> such that when said at least one group is chosen from another <math>R^4</math>, the nitrogen atom to which both <math>R^3</math> and <math>R^4</math> are bonded forms part of a heterocyclic structure defined in part by <math>R^4-N-R^3</math>, with the proviso that at least 50% of all <math>R^4</math> are chosen from hydrogen atoms;</p>	
<p>wherein said structured composition is in the form of a non-migrating, wax-free solid, and</p>	<p>See page 2, line 21 to page 3, line 2, stating that the composition may be non-migrating. See also page 6, line 5, stating that the composition may be "in the form of a wax-free solid."</p>
<p>wherein said at least one continuous liquid fatty phase and said at least one polymer form a physiologically acceptable medium.</p>	<p>See page 6, lines 5-7.</p>
<p>A process of structuring a cosmetic composition in the form of a physiologically acceptable composition</p>	<p>See page 26, lines 21-22.</p>
<p>wherein said composition is wax-free and non-migrating.</p>	<p>See page 27, line 10-11</p>

The Title, Abstract and specification have been amended to describe the presently claimed invention more accurately. Support for the new Title and Abstract can

be found throughout the application as originally filed. The amendments to the specification correct obvious clerical errors that would have been recognized by one of ordinary skill in the art, along with the appropriate correction. M.P.E.P. § 2163.07 II. Accordingly, no new matter has been added.

## **II. Interview**

Applicants would like to thank the Examiner for the courtesies extended to their representatives, Thalia Warnement and Michelle O'Brien, at the February 10, 2004, personal interview.

During the interview, Applicant's representatives brought to the Examiner's attention: (1) a document disclosing sample formulations from Bush Boake Allen; (2) U.S. Patent No. 6,497,861 to Wang et al., discussed *infra* in Section V; and (3) U.S. Patent No. 5,998,570 to Pavlin et al., all of which are reflected on the Interview Summary, as well as (4) the box, including the ingredient listing, of Origin's Full Story® Lush-lash mascara; (5) Origin's webpage advertisement for the Full Story® Lush-lash mascara product, available at [www.origins.com](http://www.origins.com); (6) the box, including the ingredient listing, of Estée Lauder's MagnaScopic® Mascara Volume Intense mascara; and (7) Estée Lauder's webpage advertisement for the MagnaScopic® Mascara Volume Intense mascara product, available at [www.esteelauder.com](http://www.esteelauder.com). To the best of Applicant's representatives' knowledge, these two products ((4) and (6)), were launched in 2003 and thus, do not constitute prior art.

### **III. Information Disclosure Statement**

In the Information Disclosure Statement Applicants filed June 23, 2003, the Examiner has drawn a line through the related co-pending U.S. application and PCT application information, indicating beside the first entry of each that the information has been "considered, not cited." Applicants presume that all of the U.S. application and PCT application information provided on the PTO Form 1449 has been considered by the Examiner, and not just the first entry. If this is not the case, Applicants respectfully request clarification on the record and consideration of the application information.

Furthermore, Applicants note that the Examiner has drawn a line through five cited U.S. Patent Application Publications. Applicants therefore have resubmitted these documents on the Information Disclosure Statement and PTO Form 1449 filed herewith and respectfully request consideration by the Examiner or an explanation on the record for why the Examiner has not considered the U.S. Patent Application Publications.

### **IV. Provisional Obviousness-Type Double Patenting Rejection**

Claims 1-188 have been provisionally rejected for obviousness-type double patenting over claims 1-45, 47-67, 69-113, and 118-167 of copending Application Serial No. 09/618,066 in view of U.S. Patent No. 4,952,245 to Iwano et al. Applicants filed a Terminal Disclaimer over any patent to grant from Application No. 09/618,066, thereby mooting any obviousness-type double patenting rejection as it may apply to claims 1, 47-49, 150, and 154-156, as amended. Attached herewith as Exhibit 1 is a copy of the October 15, 2002, Terminal Disclaimer, along with the date-stamped receipt postcard.

**V. Obviousness-Type Double Patenting Rejection**

Claims 1-188 have been rejected under obviousness-type double patenting over claims 1-75 of U.S. Patent No. 6,402,408 to Ferrari ("Ferrari"). Applicants disagree that claims 1, 47-49, 150, and 154-156 present any issue with respect to obviousness-type double patenting over claims 1-75 of Ferrari '408. However, solely in an effort to expedite prosecution, Applicants file herewith a Terminal Disclaimer over Ferrari '408, thus mooted the rejection.

**VI. Rejections Under 35 U.S.C. § 103**

Claims 1-188 have been rejected under 35 U.S.C. § 103(a) as obvious over U.S. Patent No. 5,998,570 to Pavlin ("Pavlin '570") in view of U.S. Patent No. 4,952,245 to Iwano et al. ("Iwano"). According to the Office, Pavlin '570 teaches "a low molecular weight, resin composition and methods for preparing the resin composition, which comprises ester-terminated polyamides of polymerized fatty acids . . . ." Office Action at 6-7. The Office states, however, that "Pavlin does not teach a dyestuff in the resin composition." Office Action at 7. Thus the Office relies on Iwano, alleging that Iwano teaches "a cosmetic composition comprising a nacreous pigment containing a dye . . . ." *Id.* at 7.

Therefore, the Office concludes that one of ordinary skill in the art would have found it obvious to combine the teachings of Iwano with Pavlin '570 because both teach cosmetic compositions and "[t]he expected result would be a cosmetic composition comprising dyestuffs, nacles and pigments that yield excellent color characteristics, such as luster, [and] brightness along with excellent stability." *Id.* at 8. As claims 1, 47-

49, 150, and 154-156, as amended, do not require the presence of at least one dyestuff, the Office's rejection with respect to Iwano is moot. In the interest of being fully responsive, however, Applicants address the rejection with respect to Pavlin '570.

In order to establish a *prima facie* case of obviousness, the Office must demonstrate, among other things, that the references teach or suggest each and every element of the claims. M.P.E.P. § 2143. This the Office has not done with respect to the present claims. Pavlin '570, for example, does not teach or suggest a cosmetic composition that is non-migratory. In fact, Pavlin never exemplifies any cosmetic composition, as the only product composition exemplified in Pavlin '570 is a clear candle. See Pavlin '570, Example 25. Therefore, Applicants respectfully request reconsideration of the rejection of pending claims 1, 47-49, 150, and 154-156, as amended.

#### **VII. U.S. Patent No. 6,497,861 to Wang et al.**

As discussed in the February 10, 2004, personal interview and as referenced in the Information Disclosure Statement filed June 23, 2003, Applicants are aware of U.S. Patent No. 6,497,861 to Wang et al. ("Wang"), filed June 21, 2001. However, Applicants do not believe that this patent is prior art with respect to the present application. In this regard, Applicants point out that the instant application was filed on October 11, 2000. This antedates Wang.

Nor do Applicants believe that the claims presented herein define the same patentable invention as any of those of Wang. Hence, Applicants do not believe that there is any interfering subject matter between the present claims and those of Wang.

### **VIII. Commonly Assigned Applications**

Applicants have identified the related copending applications and patents below in Table 2 that were filed prior to October 11, 2000. Applicants do not believe that any of the identified copending U.S. Patent Applications or any relevant publications thereof or relevant PCT publications of a counterpart thereof, describes or suggests the subject matter of claims 1, 47-49, 150, and 154-156 of the present application under 35 U.S.C. § 102(e) and/or § 103.

Also listed in Table 2, below, is the publication information (U.S. Published Applications and/or U.S. Patents), if any, that correspond to these copending applications and their dates of publication. Moreover, Applicants have provided for the Examiner's convenience the available assignment information in Table 2 or confirmed the obligation of assignment with the assignee, demonstrating that none of these applications, patents, or publications is available as § 102(e)/§ 103 prior art against claims 1, 47-49, 150, and 154-156. See 35 U.S.C. § 103(c). Applicants assert that any of the applications listed below that were filed on or before the instant application's priority date were commonly owned by the Assignee at the time the instant invention was made, which instant invention was also subject to assignment to the Assignee.

For the Office's convenience, Applicants identify in Table 2 below 36 related copending applications, including the instant application, as well as those listed on the PTO Forms 1449 filed on March 20, 2002, October 18, 2002, November 14, 2002, February 19, 2003, and July 3, 2003, or filed herewith, including filing date, assignment, and inventor information. This should assist the Office in assessing any possible issues

of statutory double patenting. This information will also allow the Office to address any issues of obviousness-type double patenting not discussed above. Applicants do not believe that any issue with respect to statutory double patenting under 35 U.S.C. § 101 is present with respect to claims 1, 47-49, 150, and 154-156 of the instant application and the claims of any other copending application or patent listed in Table 2. To be sure, however, Applicants provide Exhibit 2, which contains all of the claims of the 36 pending applications, including the instant claims. As the Office can see, Exhibit 2 contains no claims which are identical to the instant claims.

**Table 2.**

Attorney Docket No.	U.S. Patent Application No.	U.S. Filing Date/ 371 (c) Date	Inventors	Title	Assignment Recorded (Reel, Frame, Date)	U.S. Publication, Date
05725.0594-00000	09/733,899	December 12, 2000	Mohamed KANJI, Carl ORR, and Carlos O. PINZON	COSMETIC COMPOSITIONS CONTAINING AT LEAST ONE HETERO POLYMER AND AT LEAST ONE FILM-FORMING SILICONE RESIN AND METHODS OF USING	Reel 011723, Frame 0503, on April 20, 2001	U.S. Published Application No. US 2002/011477 3 A1  Dated: August 22, 2002
05725.0595-00000	09/733,900	December 12, 2000	Carlos O. PINZON and Paul THAU	COSMETIC COMPOSITIONS CONTAINING HETEROPOLYMERS AND OIL-SOLUBLE CATIONIC SURFACTANTS AND METHODS OF USING SAME	Reel 011639, Frame 0897, on March 23, 2001	U.S. Published Application No. US 2002/012278 1 A1 (Republished US 2003/008212 6A9 on May 1, 2003)  Dated: September 5,



Attorney Docket No.	U.S. Patent Application No.	U.S. Filing Date/ 371 (c) Date	Inventors	Title	Assignment Recorded (Reel, Frame, Date)	U.S. Publication, Date
						2002
05725.0656-00000	09/618,066	July 17, 2000	Véronique FERRARI and Pascal SIMON	COMPOSITIONS IN RIGID FORM STRUCTURED WITH A POLYMER	Reel 011057, Frame 0676, on September 11, 2000	N/A: Will not publish
05725.0656-01000	09/685,577	October 11, 2000	Véronique FERRARI and Pascal SIMON	COMPOSITIONS IN RIGID FORM STRUCTURED WITH A POLYMER	Reel 011455, Frame 0203, on January 22, 2001	N/A: Will not publish
05725.0659-00000	09/618,032, issued on June 11, 2002, as U.S. Patent No. 6,402,408	July 17, 2000	Véronique FERRARI	COMPOSITION CONTAINING A LIQUID FATTY PHASE GELLED WITH A POLYAMIDE CONTAINING ESTER END GROUPS	Reel 011057, Frame 0007, on September 12, 2000	U.S. Patent No. 6,402,408  Dated: June 11, 2002
05725.0659-01000	09/685,578	October 11, 2000	Véronique FERRARI	COMPOSITION CONTAINING A LIQUID FATTY PHASE GELLED WITH A POLYAMIDE CONTAINING ESTER END GROUPS	Reel 011549, Frame 0914, on February 20, 2001	N/A: Will not publish
05725.0795-01000	10/182,830	August 2, 2002  371 (c) Date: January 21, 2003	Roberto CAVA-ZZUTI, Véronique FERRARI, Brian MATTOX, Carlos O. PINZON, and Paul THAU	USE OF POLYAMIDE POLYMER IN A MASCARA COMPOSITION COMPRISING AT LEAST ONE SOLID SUBSTANCE HAVING A MELTING POINT OF 45°C OR GREATER	Reel 014040, Frame 0345, on May 7, 2003	U.S. Published Application No. 2003/014783 7 A1  Dated: August 7, 2003

Attorney Docket No.	U.S. Patent Application No.	U.S. Filing Date/ 371 (c) Date	Inventors	Title	Assignment Recorded (Reel, Frame, Date)	U.S. Publication, Date
05725.0795-02000	10/787,441	February 27, 2004	Roberto CAVA-ZZUTI, Véronique FERRARI, Brian MATTOX, Carlos O. PINZON, and Paul THAU	METHOD OF MAKING A MASCARA COMPOSITION COMPRISING POLYAMIDE POLYMER AND AT LEAST ONE SOLID SUBSTANCE HAVING A MELTING POINT OF 45°C OR GREATER	Reel 014040, Frame 0345, on May 7, 2003	Not yet published
05725.0806-00000	09/733,896	December 12, 2000	Carlos O. PINZON and Paul THAU	COMPOSITIONS CONTAINING HETEROPOLYMERS AND OIL-SOLUBLE POLYMERS AND METHODS OF USING SAME	Reel 011765, Frame 0183, on April 26, 2001	U.S. Published Application No. US 2002/012003 6 A1 (Republished US 2003/012542 7 A9 on July 3, 2003)  Dated: August 29, 2002
05725.0808-00000	09/733,898	December 12, 2000	Carlos O. PINZON, Paul THAU, and Isabelle BARA	COMPOSITIONS CONTAINING HETEROPOLYMERS AND OIL-SOLUBLE ESTERS AND METHODS OF USING SAME	Reel 011654, Frame 0869, on April 2, 2001	U.S. Published Application No. US 2002/010731 4 A1  Dated: August 8, 2002
05725.0809-00000	09/733,897	December 12, 2000	Carlos O. PINZON and Paul THAU	COMPOSITIONS CONTAINING HETEROPOLYMERS AND METHODS OF	Reel 011646, Frame 0966, on April 4, 2001	U.S. Published Application No. US 2002/011133

Attorney Docket No.	U.S. Patent Application No.	U.S. Filing Date/ 371 (c) Date	Inventors	Title	Assignment Recorded (Reel, Frame, Date)	U.S. Publication, Date
				USING SAME		0 A1  Dated: August 15, 2002
05725.0816-01000	10/203,018	August 5, 2002  371 (c) Date: March 24, 2003	Véronique FERRARI, Richard KOLODZIEJ, Carlos O. PINZON, and Paul THAU	USE OF POLYAMIDE POLYMER IN A MASCARA COMPOSITION COMPRISING AT LEAST ONE INERT FILLER	Reel 014055, Frame 0428, on March 24, 2003	U.S. Published Application No. US 2003/016184 8 A1  Dated: August 28, 2003
05725.0816-02000	10/787,440	February 27, 2004	Véronique FERRARI, Richard KOLODZIEJ, Carlos O. PINZON, and Paul THAU	METHOD OF MAKING A MASCARA COMPOSITION COMPRISING A POLYAMIDE POLYMER AND AT LEAST ONE INERT FILLER	Reel 014055, Frame 0428, on March 24, 2003	Not yet published
05725.0817-01000	10/203,254	August 7, 2002  371 (c) Date: December 20, 2002	Véronique FERRARI, Carlos O. PINZON, and Paul THAU	COSMETIC COMPOSITIONS CONTAINING AT LEAST ONE HETEROPOLYMER AND AT LEAST ONE GELLING AGENT AND METHODS OF USING THE SAME	Reel 013607, Frame 0258, on December 20, 2002	U.S. Published Application No. US 2003/018578 0 A1  Dated: October 2, 2003
05725.0819-01000	10/129,377	May 3, 2002  371 (c) Date: October	Véronique FERRARI	COMPOSITION STRUCTURED WITH A POLYMER CONTAINING A HETEROATOM AND AN ORGANOCELL-	Filed October 16, 2002. Not yet recorded.	Not yet published

Attorney Docket N .	U.S. Patent Application No.	U.S. Filing Date/ 371 (c) Date	Inventors	Title	Assignment Recorded (Reel, Frame, Date)	U.S. Publication, Date
		16, 2002		ATOR		
05725.0832-00000	09/749,036	December 28, 2000	Véronique FERRARI and Véronique JACQUES	COMPOSITION COMPRISING AT LEAST ONE HETERO POLYMER AND AT LEAST ONE PASTY FATTY SUBSTANCE AND METHODS FOR USE	Reel 011723, Frame 0518, on April 20, 2001	U.S. Published Application No. US 2001/003128 0 A1  Dated: October 18, 2001
05725.0895-00000	09/971,028	October 5, 2001	Mohamed KANJI	METHODS OF USE AND OF MAKING A MASCARA COMPRISING AT LEAST ONE COLORING AGENT AND AT LEAST ONE HETEROPOLYMER	Reel 012411, Frame 0820, on December 28, 2001	U.S. Published Application No. US 2003/008688 3 A1  Dated: May 8, 2003
05725.0895-01000	10/413,217	April 15, 2003	Mohamed KANJI	METHODS OF USE AND OF MAKING A MASCARA COMPRISING AT LEAST ONE COLORING AGENT AND AT LEAST ONE POLYAMIDE POLYMER CHOSEN FROM ETHYLENEDIAMINE/STEARYL DIMER TALLATE COPOLYMER	Reel 012411, Frame 0820, on December 28, 2001	U.S. Published Application No. US 2003/019861 3 A1  Dated: October 23, 2003
05725.0895-02000	10/699,780	November 4, 2003	Sue FENG and Mohamed KANJI	METHODS OF DISPERSING AT LEAST ONE COLORING AGENT USING AT LEAST ONE	Reel 012411, Frame 0820, on December 28, 2001	Not yet published

Attorney Docket No.	U.S. Patent Application No.	U.S. Filing Date/ 371 (c) Date	Inventors	Title	Assignment Recorded (Reel, Frame, Date)	U.S. Publication, Date
				HETEROPOLYMER		
05725.0896-00000	10/198,931	July 22, 2002	Mohamed KANJI	COMPOSITIONS COMPRISING AT LEAST ONE HETEROPOLYMER AND FIBERS, AND METHODS OF USING THE SAME	Reel 013410, Frame 0044, on October 21, 2002	U.S. Published Application No. US 2004/001362 5 A1  Dated: January 22, 2004
05725.0920-00000	09/899,909, issued on August 13, 2002 as U.S. Patent No. 6,432,391	July 9, 2001	Isabelle BARA	TRANSPARENT SCENTED SOLID COSMETIC COMPOSITION	Reel 012278, Frame 0077, on October 23, 2001	U.S. Patent No. 6,432,391  Dated: August 13, 2002
05725.0932-00000	09/937,314	September 24, 2001  371 (c) Date: December 6, 2001	Véronique FERRARI	A TRANSFER-FREE MASCARA COMPOSITION COMPRISING AT LEAST ONE VOLATILE SOLVENT AND AT LEAST ONE POLYMER	Reel 012476, Frame 0507, on January 17, 2002	U.S. Published Application No. US 2004 0086478 A1  Dated: May 6, 2004
05725.1003-00000	10/012,029	December 11, 2001	Nathalie COLLIN	COSMETIC COMPOSITION COMPRISING A POLYMER BLEND	Reel 013142, Frame 0645, on August 1, 2002	U.S. Published Application No. US 2003/001276 4 A1  Dated: January 16, 2003
05725.1004-	10/012,051	December 11, 2001	Nathalie COLLIN	USE OF AT LEAST ONE POLYAMIDE	Reel 012847, Frame 0285, on April 30,	U.S. Published Application

Attorney Docket No.	U.S. Patent Application No.	U.S. Filing Date/ 371 (c) Date	Inventors	Title	Assignment Recorded (Reel, Frame, Date)	U.S. Publication, Date
00000				POLYMER IN A MASCARA FOR RAPIDLY INCREASING THE AMOUNT OF MAKE-UP DEPOSITED ON EYELASHES	2002	No. US 2002/018903 0 A1  Dated: December 19, 2002
05725. 1005-00000	10/012,052	December 11, 2001	Nathalie COLLIN	COSMETIC COMPOSITION CONTAINING A WAX AND A POLYMER	Reel 012847, Frame 0264, on April 30, 2002	U.S. Published Application No. US 2002/016833 5 A1  Dated: November 14, 2002
05725. 1018-00000	10/046,568	January 16, 2002	Xavier BLIN, Véronique FERRARI, and Frédéric AUGUSTE	NAIL POLISH COMPOSITION COMPRISING A POLYMER	Reel 013109, Frame 0731, on July 18, 2002	U.S. Published Application No. US 2002/019216 8 A1  Dated: December 19, 2002
05725. 1020-00000	10/047,987	January 17, 2002	Véronique FERRARI	COSMETIC COMPOSITION COMPRISING A POLYMER AND A FLUORO OIL	Reel 012910, Frame 0028, on May 17, 2002	U.S. Published Application No. US 2002/017269 6 A1  Dated: November 21, 2002
05725. 1187-00000	10/312,083	December 23, 2002  371 (c)	Patricia LEMANN	COSMETIC COMPOSITION COMPRISING AN EMULSION CONTAINING A LIQUID FATTY	Reel 014039, Frame 0976, on March 26, 2003	U.S. Published Application No. US 2003/016180

Attorney Docket No.	U.S. Patent Application No.	U.S. Filing Date/ 371 (c) Date	Inventors	Title	Assignment Recorded (Reel, Frame, Date)	U.S. Publication, Date
		Date: March 26, 2003		PHASE STRUCTURED WITH A POLYMER, AND AN ALKYLENE- OXIDE- CONTAINING EMULSION STABILIZER		7 A1  Dated: August 28, 2003
05725. 1198- 00000	10/450,108	June 11, 2003  371 (c) Date: June 11, 2003	Nathalie COLLIN	COSMETIC COMPOSITION COMPRISING A POLYMER AND FIBERS	Not yet filed/recorded	U.S. Published Application No. US 2004/002863 6 A1  Dated: February 12, 2004
05725. 1228- 00000	10/466,166	July 14, 2003  371 (c) Date: January 20, 2004	Nathalie COLLIN	COSMETIC COMPOSITION COMPRISING A MIXTURE OF POLYMERS	Filed January 20, 2004. Not yet recorded.	Not yet published
05725. 1336- 00000	10/459,636	June 12, 2003	Shao Xiang LU and Mohamed KANJI	COSMETIC EMULSIONS CONTAINING AT LEAST ONE HETERO POLYMER AND A SUNSCREEN AND METHODS OF USING SAME	Filed October 3, 2003; not yet recorded	Not yet published
05725. 1337- 00000	10/618,315	July 11, 2003	Shao Xiang LU, Terry VAN LIEW, and Nathalie GEFFROY-	COSMETIC COMPOSITIONS COMPRISING A STRUCTURING AGENT, SILICONE	Filed August 12, 2003 and January 30, 2004; not yet recorded	Not yet published

Attorney Docket No.	U.S. Patent Application No.	U.S. Filing Date/ 371 (c) Date	Inventors	Title	Assignment Record d (Reel, Frame, Date)	U.S. Publication, Date
			HYLAND	POWDER AND SWELLING AGENT		
05725.1338-01000	10/746,612	December 22, 2003	Shao Xiang LU, Terry VAN LIEW, Nathalie GEFFROY-HYLAND, and Mohamed KANJI	COSMETIC COMPOSITIONS COMPRISING A STRUCTURING AGENT, SILICONE POWDER AND SWELLING AGENT	Not yet filed/recorded	Not yet published
05725.1338-02000	10/747,412	December 22, 2003	Shao Xiang LU and Mohamed KANJI	COSMETIC EMULSIONS CONTAINING AT LEAST ONE HETERO POLYMER AND AT LEAST ONE SUNSCREEN AND METHODS FOR USING THE SAME	Not yet filed/recorded	Not yet published
06028.0018-00000	10/203,375	August 9, 2002  371 (c) Date: August 9, 2002	Nathalie JAGER-LEZER and Jean-Christophe SIMON	COLOURED TRANSPARENT OR TRANSLUCENT COSMETIC COMPOSITION	Reel 013318, Frame 0962, on August 9, 2002	U.S. Published Application No. US 2003/002677 2 A1  Dated: February 6, 2003
06028.0019-00000	10/203,374	August 9, 2002  371 (c) Date: August 9, 2002	Jean-Christophe SIMON and Nathalie JAGER-LEZER	METHOD FOR MAKING A COLOURED MAKE-UP COSMETIC COMPOSITION WITH CONTROLLED TRANSMITTANCE	Reel 013321, Frame 0001, on August 9, 2002	U.S. Published Application No. US 2003/004436 7 A1  Dated: March 6, 2003



## IX. Conclusion

In view of the foregoing amendments and remarks, Applicants respectfully request consideration of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

**FINNEGAN, HENDERSON,  
FARABOW, GARRETT & DUNNER, L.L.P.**

Thalia V. Wainement, Reg No. 39,064

By: for Erin C. DeCarlo  
Erin C. DeCarlo  
Reg. No. 51,688

**Dated: May 19, 2004**

**Attachments:**

**Exhibit 1 -** October 15, 2002, Terminal Disclaimer and Accompanying Receipt Postcard

**Exhibit 2 -** Pending Claims in Copending Applications